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10 and Ching Liang Sun

11
12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 WILLIAM WOLVEN, an individual;
15 SHANNON WOLVEN, an individual

16 Plaintiffs,

17 vs.

18 CHING LIANG SUN, an individual;
19 GOLDEN LION TRANSPORTATION,
INC. dba LION EXPRESS, a foreign
20 corporation; DOES 1 through 10; and
ROE ENTITIES 11 through 20, inclusive
21 jointly and severally,

22 Defendants.

Case No. 2:19-cv-00794-APG-NJK

**STIPULATION AND ORDER TO
EXTEND DISCOVERY (SECOND
REQUEST)**

23 COME NOW, Defendants, Ching Liang Sun and Golden Lion Transportation,
24 Inc. d/b/a Lion Express' ("Defendants"), by and through their attorneys of record,
25 Lucian J. Greco, Jr., Esq., Devin R. Gifford, Esq., and Matthew J. Cook, Esq. of
26 Bremer, Whyte, Brown & O'Meara, LLP, David D. Boehrer, Esq. and Travis J. Rich,
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Esq. of David Boehrer Law Firm, pursuant to Local Rule 26-4, and in light of the recent COVID-19 emergency, stipulate to modify their discovery plan as follows:

1. Plaintiff filed his Complaint in the Eighth Judicial District Court for Clark County, Nevada on April 4, 2019. Defendants removed said case to the U.S. District Court for the District of Nevada on May 8, 2019. (ECF No.1)
2. The parties held their F.R.C.P. 26 conference on May 21, 2019, and in compliance with F.R.C.P. 26(f) LR 26-1(e) filed their initial Stipulated Discovery Plan and Scheduling Order on June 3, 2019. (ERC No. 10):
3. On June 4, 2019, the Magistrate established the following discovery plan (ECF No. 11):

- a. Last day to amend/add: October 5, 2019
- b. Initial expert disclosure: November 4, 2019
- c. Rebuttal expert disclosure: December 4, 2019
- d. Last day of discovery: January 3, 2020
- e. Dispositive motions filed: February 2, 2020
- f. Joint pre-trial order: March 3, 2020

4. On October 24, 2019, the Court approved the Stipulation and Order to Extend Discovery (First Request).
5. In compliance with Local Rule 26-4, the parties provided the following information regarding the discovery status:

a. Discovery Completed:

- i. Multiple disclosures of witnesses and documents were exchanged.
- ii. Defendants propounded three (3) sets of written discovery on Defendant William Wolven in the form of Interrogatories, Requests for Admissions, and Requests for Production of Documents, which he provided responses to.
- iii. Defendants propounded their first set of written discovery on Plaintiff Shannon Wolven in the form of Interrogatories, Requests

1 for Admissions, and Requests for Production of Documents, which
2 she provided responses to.

3 iv. Ching Liang Sun was deposed out-of-state, which required parties
4 coordinating and travelling out-of-state and setting up the use of an
5 interpreter. Defense counsel has had difficulty communicating
6 with Mr. Sun given that he resides out-of-state and speaks very
7 little English.

8 v. Two eyewitness Depositions were conducted.

9 vi. Sherry Yuan, co-owner of Defendant Golden Lion Transportation
10 was deposed out-of-state and required the use of an interpreter.

11 vii. Plaintiffs' Depositions were conducted.

12 viii. Defendants conducted an IME of Plaintiff on October 17, 2019

13 ix. Counsel for the parties have already held more than three meet
14 and confers on discovery issues.

15 x. Plaintiffs provided their initial F.R.C.P. 26(a) disclosure and four
16 (4) supplemental disclosures, including initial expert reports.

17 xi. Defendants provided their initial F.R.C.P. 26(a) disclosure and
18 five (5) supplemental disclosures, including initial expert reports
19 and rebuttal expert reports.

20 xii. Defendant subpoenaed Plaintiff William Wolven's medical
21 records from numerous providers, claim file material from his
22 prior accident, and his cell-phone records, which some of which
23 was received.

24 **b. Discovery that remains to be completed:**

25 i. Deposition of F.R.C.P. 30(b)(6) witness James Yuan, which was
26 reset due to scheduling conflicts, and will be done out of state.

27 ii. Depositions of expert witnesses, including Dr. Stuart Kaplan, Dr.
28 Annemarie Gallagher, Dr. Daniel Lee, and Dr. Swathi Kodi.

1 Their testimony will generate additional discovery, which
2 requires additional time to investigate and provide supplemental
3 reports.

4 iii. Deposition of Nevada Highway Patrol Trooper Dunbar.

5 iv. The parties are currently seeking information on additional
6 witnesses and riders on the bus at the time of the subject accident,
7 which has proven difficult to locate them. The riders are
8 foreigners and their whereabouts are still unknown.

9 v. The parties need to locate and depose the bus tour guide. Her
10 location and contact information are currently unknown and
11 difficult to ascertain.

12 vi. Depositions of pertinent fact witnesses in support of Plaintiff
13 William Wolven's wage loss claim and Plaintiff Shannon
14 Wolven's loss of consortium claims.

15 vii. Plaintiff amended its Complaint to include an additional Plaintiff
16 (Shannon Wolven) and a new cause of action. Additional written
17 discovery needs to be issued regarding her claim, additional
18 investigation will need to be performed to fully explore her claim.
19 Defendants answered the Amended Complaint on Monday,
20 October 21, 2019.

21 viii. The parties are investigating whether to perform a bus inspection,
22 which will need to be located and scheduled. If the inspection is
23 scheduled, counsel and their experts will need to coordinate a
24 mutually-agreeable date for the inspection, which will be held
25 out-of-state for both counsel and their experts.

26 ix. Defendants need to obtain all outstanding subpoena responses for
27 Plaintiff William Wolven's Medical Records.

28 x. Defendants need to serve additional subpoenas to Plaintiff

William Wolven's medical providers and those providers continue to disclose additional medical records.

xi. Defendants need to obtain outstanding employment authorizations from Plaintiff William Wolven.

xii. Defendants need to obtain Plaintiff William Wolven's authorizations to subpoena his gym records.

c. Reason why discovery was not completed:

A ninety (90) day extension of the close of discovery is requested in light of the recent COVID-19 emergency. The parties require additional time to complete the Depositions of the parties' retained experts, F.R.C.P. 30(b)(6) witnesses, fact witnesses, and Plaintiff's treating physicians. The parties have had difficulty setting Depositions due to scheduling conflicts. Once the Depositions are taken, additional discovery will be necessary to defend each parties' position and hear the case on the merits. Lastly, after some additional discovery is completed, the parties contemplate mediating this case before moving forward with trial.

Defense counsel has continued to have difficulty communicating, gathering documents and information from Defendant Golden Lion's 30(b)(6) witness James Yuan, given that he resides out-of-state, works full-time, and is not fluent in the English language. Preparing for his Deposition and all the topics has therefore proved challenging. Therefore, the need to move his Deposition was necessary for the parties to adequately prepare and provide documents in response to discovery in relation to his Deposition. Defense counsel has had difficulty locating passenger witnesses, which may reside outside the country.

The parties have held more than three meet and confer discussions regarding discovery. Defendants have sought clarification of Plaintiffs' discovery responses, which has generated the need for additional discovery. Defendants still require Plaintiff William Wolven's authorizations to subpoena his employment and gym records. Defendant requires additional time to explore Plaintiff William Wolven's

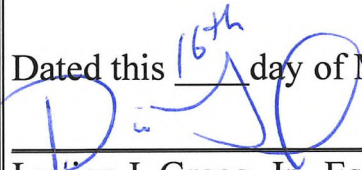
wage loss claim and Plaintiff Shannon Wolven's loss of consortium claim, including deposing relevant fact witnesses. Defendants therefore need additional time to explore Mrs. Wolven's claim and damages, to determine the basis for same. Both parties will require additional time to supplement their expert reports as new discovery is generated. Also, Plaintiff William Wolven has undergone visits to at least one physician for his alleged neck injuries, which may require additional discovery.

The parties recently learned that the bus involved in the accident may not have been repaired, as previously believed. Therefore, investigation into a possible inspection of same is still contemplated. That out-of-state bus inspection will need to be scheduled, which will require coordination of both counsel's offices and their experts. Travel arrangements will need to be made. Most importantly, the parties require additional time to mediate this case before preparing for trial.

d. Proposed schedule for completion of remaining discovery:

Event	Existing Deadline	Proposed New Deadline
Last Day to Amend Pleadings/ Add Parties	October 5, 2019	Unchanged
Initial Expert Disclosures	February 2, 2020	Unchanged
Rebuttal Expert Disclosures	March 3, 2020	Unchanged
Completion of Discovery	April 2, 2020	July 1, 2020
Dispositive Motions	May 2, 2020	August 3, 2020
Joint Pretrial Order	June 1, 2020	September 1, 2020

Dated this 16th day of March 2020.



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Transportation, Inc. d/b/a Lion Express

Dated this 16th day of March 2020.

/s/ David D. Boehrер Esq.

David D. Boehrер, Esq.
Nevada State Bar No.
Travis J. Rich, Esq.
Nevada State Bar No. 12854
Attorneys for Plaintiffs
William Wolven and
Shannon Wolven

ORDER

PURSUANT TO THE STIPULATION OF THE PARTIES, in light of the recent COVID-19 emergency, and for good cause shown, the Court extends the discovery deadlines in this case as follows:

Event	Existing Deadline	Proposed New Deadline
Last Day to Amend Pleadings/ Add Parties	October 5, 2019	Unchanged
Initial Expert Disclosures	February 2, 2020	Unchanged
Rebuttal Expert Disclosures	March 3, 2020	Unchanged
Completion of Discovery	April 2, 2020	July 1, 2020
Dispositive Motions	May 2, 2020	August 3, 2020
Joint Pretrial Order	June 1, 2020	September 1, 2020

Dated this 17 day of March, 2020.


UNITED STATES MAGISTRATE JUDGE